

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA

Plaintiff,

Case No.: 3:99-cr-86-1
(Civil Case No. 3:10-cv-406)

vs.

JACK CLARK,

Judge Walter H. Rice
Magistrate Judge Michael J. Newman

Defendant.

ORDER

Now before the Court is Petitioner's post-judgment motion, filed *pro se*, in which he requests "that the separation on me and co-defendant Daniel Nixon be [taken] off" by prison officials. *See* doc. 1280.

The motion is **DENIED** because this case is closed. *See* doc. 1278. Even if the Court were to entertain the merits of this request, Petitioner's motion would still merit denial because the issue of prisoner housing within specific cells is a matter best left to the discretion of prison officials. *See Meachum v. Fano*, 427 U.S. 215, 225 (1976) (holding that the transfer of prison inmates between state facilities does not implicate a constitutional interest); *Walker v. Hughes*, 558 F.2d 1247, 1252-53 (6th Cir. 1977) ("Federal statutory law gives federal prison officials full discretion in the treatment of prisoners and does not restrict the authority of prison officials over the inmates as to . . . transfer to other prisons . . .").

This case **REMAINS CLOSED AND TERMINATED** on the Court's docket.

IT IS SO ORDERED.

March 17, 2014

s/ **Michael J. Newman**
United States Magistrate Judge